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INTERVENTION IN CUBA.

PRAISE FOR McKINLEY'S ATTITUDE AND EFFORTS.

Judge Phelps, former Minister to England, discusses the question—its International Aspects.

[*From The New York Herald.*]

Former Minister to England, E. J. Phelps, has sent the following letter on the Cuban question to former Governor Levi P. Morton:

TO THE HON. LEVI P. MORTON:

MY DEAR SIR.—My views in respect to the Cuban situation, for which you do me the honor to ask, are quite at your service.

Until the report of the Board of Inquiry was received it was not easy to know with certainty how far the situation might be complicated by facts or questions arising out of the disaster to the *Maine*. But as no complicity on the part of Spain in that calamity is found to exist, that branch of the subject may be for the present dismissed.

Whether a claim on the part of the United States Government for reparation from Spain on the ground of negligence may arise need not now be considered. Such a claim, if made, will be matter for diplomatic discussion, or would be the proper subject of settlement by arbitration; since the termination of a disputed question of fact depending upon evidence can only take place in that way,

and forms, in my judgment, almost the only case in which international arbitration is likely to be useful.

That grave subject being for the present, at least, taken out of the way, the time has now arrived when the proposal that the United States Government shall go to war with Spain can be discussed upon its merits. The country appears to be drifting into such a war, chiefly through the exertions of those who have an interest in bringing it to pass, and the excitement, groundless but contagious, which they have succeeded in creating.

It is not to be believed that the general intelligence of the American people, of that majority which can be reckoned in weight as well as in numbers, is in favor of any unnecessary war, and still less of one that is to be brought on by an attack upon a weak and friendly neighbor, and one that cannot be justified under any principles that regulate the intercourse of nations. Before engaging in such an enterprise it may be well for us to consider what those principles are, so far as applicable to the present case, and how far we are bound by them.

NATION MUST OBSERVE PRINCIPLE.

There seems to be an impression among unreflecting people that what is called international law is merely a scholastic science, of no practical importance, and to which Americans are quite superior. They do not perceive that it is as impossible for a nation to make a law for itself in its relations with other countries as it is for an individual to do so in respect to his own conduct in the community in which he lives.

The fundamental principles of international law have been established by the general concurrence of civilized and Christian nations, because found by long experience to be both just and indispensable. Hence, they derive even a higher sanction than always attends the law that is enacted by Legislatures or promulgated by judges.

Every Government is alike bound by these principles, for the sake of its own protection as well as for that of others and the general peace, and is under an implied

covenant with mankind to observe them. If a nation departs from them it violates this agreement, sets itself against the enlightened opinion of the world, does what is universally conceded to be wrong and establishes the dangerous precedent which, sooner or later, with unflinching certainty, will come home to itself. No nation can afford to take such a course.

THE LIMITS OF INTERVENTION.

Among the rules of conduct that have thus become imperative none are more clearly defined than those which limit the right of military intervention by one nation in the internal affairs of another—certainly the most important and delicate of all questions that can arise in international concerns, for it involves the peace of the world.

These rules are not new, for they have been long settled, and not doubtful, for they are universally acquiesced in. It is the general agreement of mankind, instructed by experience which the world cannot afford to see rejected, that has established the proposition that no cause whatever, except the necessary self-defense of a nation's material interests or of the national honor, which is its highest interest, can justify forcible interference in the affairs of another country with which it is at peace.

The proffer of mediation or of friendly assistance may always be made. It may be accepted or declined by the government to which it is addressed. But when declined the attempt to intervene by force of arms is a crime, the sad and bitter consequences of which have been demonstrated on many a page of history. And especially and above all does this apply to the case of interference in aid of an armed rebellion against another government by its citizens.

The idea that this country or any other is justified in undertaking a moral or political supervision over the affairs of its neighbors and in correcting by armed invasion the faults of their institutions or the mistakes of their ad-

ministration, or administering charity to them by force, is absolutely inadmissible and infinitely mischievous.

WHAT JUST GROUNDS APPEAR.

In the light of these considerations, let us inquire upon what grounds it is claimed that we ought to intervene in the affairs of Spain in the island of Cuba, and precisely what will "intervention" turn out to mean.

Spain is a friendly nation, and always has been. The most industrious agitator for war has been unable to hunt up in any history since, under Spanish auspices, this country was first opened to us by Columbus, any cause of quarrel between us. She has not attacked us, is not proposing to attack us, and is virtually incapable of it. She has manifested every desire and made every effort to avoid hostilities, which, to her, as she well knows, must be calamitous. She is struggling with a rebellion against her government in Cuba, thus far without success, for the seat of the conflict is more than three thousand miles from the mother country, and the military genius that might have terminated it has not yet appeared among her generals.

But the rebellion would long ago have perished from exhaustion had it not been supported and supplied by continual expeditions from this country, in violation of our own neutrality laws and treaty obligations. Our Government has not, it is true, countenanced these expeditions, and has made some efforts to suppress them, sincere, no doubt, but always ineffectual, through United States marshals who have usually arrived at the wharves from which the vessels sailed soon after their departure. A twentieth part of the naval force which we are now ransacking the world to collect for what are called "the purposes of National defense" would have put an end to the only source from which the rebellion has been kept alive.

THE MATTER OF LIABILITY.

It has been claimed by some of the advocates of war that Spain must be held responsible to us for the loss of

the *Maine*, whether her Government is to blame for it or not. This proposition they will find it difficult to support. But if even her negligence were the cause of the disaster, her liability is questionable.

Does it occur to these gentlemen, that the rule they invoke works in either aspect of the case both ways? If Spain must guarantee the safety of our ships in her ports, whether herself in fault or not, we must equally guarantee to her that armed expeditions to subvert her Government shall not be fitted out and dispatched from ours. And if negligence in the one case is the criterion of liability, it must be equally so in the other.

We recovered \$15,000,000 from Great Britain for the depredations of the *Alabama*, only built, not armed, manned or fitted out in that country on the ground that her Government was not vigilant enough in preventing the sailing of the vessel. Is it to be doubted that a much stronger case of negligence could be made out before a tribunal of arbitration against our Government in respect to these expeditions?

SELF-DEFENCE NOT INVOLVED.

In this quarrel between Spain and her rebel subjects, without reference to its merits, and conceding to the insurgents all the virtues which are supposed to attend rebellion against constituted government except when it attacks our own, have we in the first place any interest of our own that justifies interference under the right of self-defence?

That claim was at first put forth on the score of the interruption of our commerce, but it has been abandoned. It is too well settled to admit of dispute that the inconvenience and loss suffered by the commerce of neutral States when war exists, though often considerable, constitute no ground for intervention, but must be borne. The loss of Great Britain in this respect is much greater than ours.

When in our Civil War the Southern ports were blockaded by the Federal fleets very great loss to the com-

merce of other nations ensued, especially in the important staple of cotton. Yet no suggestion of interference by those nations on that account arose or would have been tolerated. It must be conceded, then, and except by interested newspapers is conceded, that we are under no necessity of self-defence against Spain in any definition of the word, nor have we any right to vindicate or wrong to redress that entitles us to interpose by arms in support of the Cuban rebellion.

WAR FOR HUMANITY'S SAKE.

The final ground upon which the preachers of aggression plant themselves is that we must go to war for humanity's sake. It has generally been supposed that it was for humanity's sake that war is chiefly to be avoided, and that the cause of humanity can be in no other way so well served.

It is true that international law recognizes as the sole and rare exception to the rule above stated in respect to intervention that a nation may interfere where, to prevent unjustifiable slaughter and outrage in another country, it becomes absolutely necessary. But this exception, which has very rarely been acted on, applies only in extreme and very clear cases, and has no application whatever to this case.

It is worth a moment's consideration to understand distinctly what the demands of "humanity" in the present case are, and what they are likely to bring to pass if complied with. Are they a reason or an excuse? A motive, or the pretense that conceals a motive?

The suffering that it is said we are called upon to redress by fire and sword is the destitution that has overtaken a part of the Cuban people, and which has been depicted in the most inflammatory colors. They are those who are called the *reconcentrados*—people whose homes, plantations and industries have been destroyed in the course of the rebellion, and who are now gathered in temporary shelters provided by the Spanish Government.

How came these people in that condition, and who

wrought the destruction that brought them to it? They are represented to us as a body of patriots who are "struggling for freedom," and whose property and livelihood have been destroyed in that struggle. If this is true, then the reason for our interference in behalf of the rebels against their Government is, that they have not succeeded, are getting the worst of the contest and are thus reduced to distress.

No one pretends that Spain had not the right to put down the rebellion. The complaint is that she has not put it down. If these people are to be regarded as rebels, and their condition is truly depicted, it would seem that it results from their own fault, and that the contest, so far as they are concerned, has come to an end. Nor can it be maintained that any cruelty or outrage is visited upon them by the Spanish Government, or that their destitution results from any other cause than the poverty that the civil war has occasioned, as it generally does, and the inability of the Government to relieve it fully.

TREATMENT OF RECONCENTRADOS.

But this statement of the attitude of these people in great part is true. While it is difficult to ascertain the exact facts in a case where all the evidence comes from one side, and the advocates of that side are their own witnesses, enough appears to show that their claim must be taken without much allowance.

It cannot be pretended that the reconcentrados have been generally engaged in the rebellion, or that a large part of them have ever taken the field or fired a shot in its support. They are not now prisoners of war, as they would be had such been the case, but refugees from the ravages of the real insurgents, thrown upon the protection of the Spanish Government, under whose orders they are thereby brought.

It is a notorious fact that throughout the war the devastation of the homes and plantations of these inhabitants has been perpetrated by the rebels who are in arms, and who have levied contributions in the way of black-

mail upon the people so long as they had anything to respond with. If they had been brothers in arms of the rebels, the rebellion might, perhaps, with their assistance, have succeeded. They would at least have escaped the persecution they have suffered, whatever they might have encountered from the Government.

INTERVENTION, ON WHICH SIDE?

It is undoubtedly true that the Spanish Government has likewise destroyed houses and plantations, and driven inhabitants from their homes, in pursuit of what is deemed a military necessity, just as in our own Civil War Sheridan ravaged the Valley of the Shenandoah and Sherman laid waste Georgia. Such measures are the unhappy accompaniment of war, and especially of civil war, and those who engage in it must expect its natural consequences. If the distress caused by these means is a ground for intervention, we would feel called upon to interfere in every rebellion that occurs and does not immediately succeed. Though the question would still remain, On which side?

The distinction between armed intervention and charity is clear enough to be better understood than it is. The one is the assertion of a belligerent right, the other the voluntary offer of kindness and humanity.

WHO ARE THE REAL INSURGENTS?

Who, then, are the real insurgents? They are a body of men of uncertain number, who keep out of sight, who have no capital, or abiding place, or attempt at organized government (unless in a Junta in the City of New York), mere guerillas and bandits, who have been carrying on what they call warfare by crimes not recognized as war in any civilized country; by destroying the homes and industries of the people of the island not in arms, until it has become a desolation; by blowing up with dynamite trains which contained only peaceable travelers, and murdering in cold blood a Spanish officer bearing under a flag of truce the offer of autonomy.

Their force is made up of Cubans, negroes, renegades and adventurers of all sorts from the United States and elsewhere. Is theirs the cause we are to take up? Can it be claimed to be the office of humanity to drive out the established government of the island, the only government there is there, and to turn over the population to the tender mercies of such a band as this?

What would become in such an event of the reconcentrados? If their voice could be heard, is it conceivable that they would desire the establishment of a government in the hands of those who have already destroyed their substance? Had that been their desire they would long ago have joined the rebels.

If these people are suffering, as no doubt they are, whether from their misfortune or their fault, by being thus ground between the upper and the nether millstone, let us continue to relieve them as we have begun to do; as we sent relief to famine-stricken Ireland and charity to Armenia. If that is what is meant by intervention, we shall not differ about its propriety. But whatever their necessity, it is not to be assuaged by bloodshed, or by carrying fresh calamity to them at the expense of a greater calamity to ourselves.

A single million, or a few millions, out of the many hundreds that war would cost us, would amply answer the purpose, and would gladly be received by Spain, as well as by those who need it. Let us put a stop also to the expeditions from our country on which the rebellion is fed. Let it be understood that we shall not fraternize with the banditti who have made Cuba a desolation, and the conflict and the crime that have exhausted it will soon come to an end. The humanity of peace is better and more fruitful than the humanity of war.

COWARDLY TO ATTACK WEAK SPAIN.

Another consideration should not be forgotten by Americans who have any just pride in their country, and that is the cowardly character of an unnecessary attack by this great and powerful Government upon a comparatively

weak and impoverished nation. If we must fight somebody for the sake of fighting, let us attack a power which can defend itself. If that would not be humanity, it would at least be courage.

Can our people forget, though many of the noisiest are too young to remember, the rebellion that we had ourselves to contend with thirty years ago? A rebellion not carried on by a band of guerillas in the mountains, harassing and distressing the people whom they were professing to desire to set free, but a rebellion of many contiguous States, in favor of which the sentiment of the people was substantially unanimous, under a regularly organized government, and maintained by methods of legitimate warfare, yet not the less a rebellion which it was justifiable and necessary to put down, though in doing it indescribable slaughter, distress and destruction were unavoidable.

What would have been the sentiments of our people if, when struggling in the throes of that great war, Spain, on the pretense of the inconvenience to her commerce with the United States which the blockade of the Southern ports created, and of humanity for the suffering caused by the war, had thought proper to interfere by force? She had as much commerce with us as we have now with her. She had a much greater interest in peace within our borders than we have now in peace in hers. And she could have declaimed, as those who are now urging this attack upon her declaim, against the inhumanity of war, the infinite suffering it occasions, and the high moral duty incumbent upon every nation which wants to fight, to interfere by force and compel the United States Government to withdraw its jurisdiction from the Southern States.

Yet it does not seem to be perceived that the same principles of international law apply to us in the present case that would have made such an intervention on the part of Spain a crime, an invasion and a gross insult, which we must have repelled and avenged at any cost and any hardship, or have ceased to be regarded among nations as

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a country which respected itself or was entitled to respect from others.

COUNT WELL THE COST.

Were the proposed war necessary to our just rights, we should not count the cost. When seen to be unnecessary, it becomes clear that it is unjustifiable. A moment's consideration may well enough be given to the consequences to ourselves that would follow it.

In the first place, a derangement of business, now just beginning to emerge from a long and ruinous depression, and which must affect most deeply every legitimate industry and employment that belongs to a time of peace. A probable debauching of the currency of the country by throwing it on to a silver basis, with all the ills which that misfortune would bring in its train. Against this the country rose up in the last Presidential election by a tremendous effort.

Is the success then so hardly obtained now to be needlessly thrown away? An enormous expenditure from a treasury whose expenses already exceed its income by more than \$50,000,000 a year; indefinite millions a year to be added to the pension list, already in its saturnalia of fraud and extravagance, the curse and the shame of the country.

Can we afford all this? What taxation is to pay for it? And what have we to gain for it in return? The injury that could be inflicted upon us by Spain would be trifling in comparison with that which we should inflict upon ourselves. In the present condition of our affairs do we owe no duty to our own people? Are there not reconcentrados in our own cities, that numberless army unemployed because business is checked and paralyzed by these continual alarms?

CUBA LIBRE, WHAT NEXT?

Are there not thousands of young men, hopeful and earnest, who are struggling to establish or maintain some honest business that war would overturn and destroy? Is there not a charity which begins at home?

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